

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL P. MCMILLAN,

Defendant.

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4:11CR3139

MEMORANDUM AND ORDER

The defendant has moved to continue the pretrial motion deadline. Filing No. 22. Defense counsel explains he needs additional time to research the law before deciding if a motion to suppress should be filed.. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. 22), is granted.
- 2) The defendant's pretrial motions and briefs shall be filed on or before January 27, 2012.
- 3) Trial of this case remains set to commence on February 21, 2012.
- 4) The ends of justice served by granting defendant's motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between January 20, 2012 and January 27, 2012, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 21st day of January, 2012.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge